

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GERALDINE NICHOLAS,
Individually and as Administratrix
of the Estate of James Nicholas,

Plaintiff,

VS.

M.W. KELLOGG COMPANY, *et al.*,

Defendants.

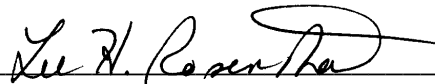
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CIVIL ACTION NO. H-07-0657

ORDER

This case was reinstated to the active docket on July 15, 2009. At that time, the defendants' motion for summary judgment, which was filed a few days before the plaintiff appealed, was still pending. The plaintiff had filed a response. The defendants have now filed a reply to the response. Given the passage of time, the plaintiff may file a surreply, but no later than August 28, 2009.

SIGNED on August 12, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge